



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

April 10, 2012

BY OVERNIGHT DELIVERY

Buckeye Partners, LP
Attention: Clark Smith, President and COO
1 Greenway Plaza, Suite 600
Houston, TX 77046

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Sir:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund.

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. Section 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA

rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800's, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800s. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. Buckeye Partners, LP is receiving this letter because EPA believes that the company, or its related predecessors, currently own and operate pipeline facilities under the waters of Newtown Creek and a property or properties adjacent or near to Newtown Creek that may have discharged or released hazardous substances that ended up in Newtown Creek. Please note that EPA's investigation of the source of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from your company about its ownership or operation of your company's facilities.

INFORMATION REQUEST

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA within 45 days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant or other waste materials at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information (in hard copy and pdf) should be sent to:

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866
mintzer.michael@epa.gov

with a copy (in pdf only) to:

Caroline Kwan
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division

U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,



for

Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

Attachments

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. Please provide one hard copy as well as one pdf copy (on diskette) of your response and documents to Mr. Mintzer, and one pdf copy (on diskette) to Ms. Kwan.
4. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.
5. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.
6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
12. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

13. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross reference the responses so that you do not need to provide a duplicate response or duplicate documents.
14. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).
15. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:
 - a. the portions of the information which are alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope. For documents submitted in pdf on diskette, please send separate diskettes for confidential information.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the

information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term "Newtown Creek" shall refer to Newtown Creek, and shall include its five branches or tributaries, respectively Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills.
2. As used herein, the term "Site" shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to Newtown Creek have come to be located.
3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.
5. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.

6. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
7. As used herein, the term "Company" refers to the addressee of this letter and to a) each subsidiary of the Company and b) each affiliate (see Definition 8) of the Company that may have owned, controlled, leased or operated or had rights to operate for the benefit of the Company at a Pipeline Facility or Other Newtown Creek Facility (see Definition 9).
8. As used herein, the term "affiliate" or "affiliated" refers to all entities controlling, controlled by or in common control with the Company, and whether currently in existence or no longer in existence.
9. As used herein, the terms:
 - a. "Pipeline Facilities" shall mean pipelines and associated infrastructure now or formerly owned or operated by the Company that are located within 1,000 feet of Newtown Creek (see Definition 1); and
 - b. "Other Newtown Creek Property(ies)" shall mean all properties or facilities, other than Pipeline Facilities and including, without limitation (if currently or formerly owned or operated by the Company), the facility located at 30-21 Greenpoint Avenue, Long Island City, New York 11101 (Borough of Queens, Block 294 Lot 280), as well as all other real properties, fixtures, pipelines, or infrastructure, if any, now or formerly owned or operated by the Company within the area extending 1,000 feet from the shoreline of Newtown Creek (see Definition 1).
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (*e.g.*, corporation, partnership, business trust, etc.), a brief description of its business and its ultimate parent corporation.
12. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
 - a. The full legal, corporate name and mailing address.
 - b. The state and date of organization of the Company and the date of qualification to do business in the State of New York.
 - c. The identity of the Chief Executive Officer and the mailing address of that officer.
 - d. If the Company is a successor to any other entity, identify the original entity, the date of its organization, the date and nature (e.g., merger, stock purchase, asset purchase) of each succession and the names and states of incorporation of each entity.
 - e. Identify the principal businesses of the Company and specify which business activities are conducted at or nearby to Newtown Creek.
 - f. Identify, by name and principal business activity, each subsidiary and affiliate of the Company doing business within 1,000 feet of Newtown Creek.
2. Corporate and Pipeline History: Provide a summary of the corporate history of the Company, including, if known, the identity of entities which formerly owned or operated those Pipeline Facilities (see Definition 9.a) that subsequently came to be owned or operated by the Company, and identify how the Company succeeded to such ownership or operation.
3. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

Section 2.0 Pipeline Facilities and Other Newtown Creek Properties

4. Describe Business Operations Conducted by the Company within 1,000 feet of Newtown Creek.
 - a. State whether the Company conducts Pipeline Operations; Terminal and Storage; Natural Gas Storage; Energy Services and Development; Logistics or other business activities within the Newtown Creek area and describe the business operations conducted in that area.
 - b. Identify the Company's practices in the Newtown Creek area with respect to the location of the Company's pipeline operations and specifically the extent of operations a) conducted within the waters and sediments of Newtown Creek; b) operations conducted in upland areas that are owned by the Company, or leased or otherwise subject to Company control by easement, lease, license or other; and c)

operations conducted in waters or sediments or uplands owned or controlled by customers of the Company.

- c. Identify the typical configuration of Company pipelines in the Newtown Creek area. Please depict typical pipeline configurations by cross section diagram showing dimensions, force mains, valves, associated infrastructure, pipeline construction materials, depth of location in waters or sediments, and connections to uplands whether to customers or to other Company facilities. Explain major changes in pipeline configurations over the time that the Company or its predecessors operated in the Newtown Creek area.
- d. Do the Company's pipeline operations include delivery only or does the Company have arrangements to transport materials from customer facilities. Did the Company or its predecessors previously transport materials from customer facilities?
- e. Describe the extent of pipeline services provided by the Company on upland properties owned by customers of the Company.

5. Pipeline Facilities. With respect to Pipeline Facilities (see Definition number 9.a for definition of "Pipeline Facilities"):

- a. Provide a schedule identifying all Pipeline Facilities now or formerly owned or operated by the Company, and further specifying:
 - i. Pipeline Facilities owned and operated by the Company,
 - ii. Pipeline Facilities operated by the Company but not owned, and for such Pipeline Facilities, identify the owner and the nature of the operating agreement between the Company and the owner;
 - iii. Pipeline Facilities owned by the Company but not operated, and for such Pipeline Facilities, identify the operator and the nature of the operating agreement between the operator and the Company;
 - iv. Pipeline Facilities formerly owned or operated by the Company; and
 - v. connections including source and destination of each segment of the Pipeline Facilities and identity of owner and operator of connecting pipelines;
 - vi. the date of initial installation of the Pipeline Facilities, the date of replacement or major reconstruction, and the name of the entity (if other than the Company) at the time of installation or replacement;
 - vii. fabrication material (e.g., galvanized steel in concrete, etc.) for the Pipelines Facilities; and
 - viii. with respect to Pipeline Facilities formerly owned or operated by the Company please also identify the date of abandonment or transfer, the identity of the transferee and the purpose of the transfer or other circumstance which resulted in the Company ceasing to own or operate the Pipeline facility and specify the dates of ownership or operation.
- b. Provide a map, drawing and schematic depicting for all Pipeline Facilities:

- i. the linear location in waters and uplands; and
 - ii. the depth in sediments and waters of Newtown Creek by cross section.
 - c. Identify real property interests (e.g., fee ownership, easement, license, right of way agreement) pursuant to which the Company derives rights to maintain its Pipeline Facilities and the identity of the owner of the real property where the Pipeline Facilities are located.
 - d. Provide a copy of the deeds, easements, lights or rights of way for the Pipeline Facilities.
 - e. Identify pipelines and associated infrastructure located within 1,000 feet of Newtown Creek, owned or operated by an entity other than the Company, but as to which the Company has rights to carry product.
- 6. Identify all materials now or formerly transported by or otherwise present in Pipeline Facilities. Provide the date range that such materials were transported in Pipeline Facilities and, where applicable, Material Safety Data Sheets for each item.
 - a. Identify whether the Pipeline Facilities transported:
 - i. Gasoline; fuel oil (specify types); diesel; kerosene, natural gas, naphtha, or naphtha;
 - ii. gasoline additives, catalysts or petroleum –related chemicals including, without limitation, ethanol, lead, methyl ter-butyl ether (MTBE), ethyl tert-butyl ether (ETBE), (please specify and provide Material Safety Data Sheets); and
 - iii. pipeline additives or chemicals including anti-rust additives, anti-icing additives, dyes and other batch separators (please identify and provide Material Safety Data Sheets for each).
 - b. Identify polychlorinated biphenyls (“PCBs”), metal compounds and other chemicals present in infrastructure associated with Pipeline Facilities, whether in pumps or valves or other infrastructure; state the purpose and location in the infrastructure of the PCBs, metal compounds and other chemicals; and identify the PCB congener and specific other chemicals and provide Material Safety Data Sheets for each.
 - c. Describe the Company’s procedures with respect to non-conforming, off-specification or other materials that are rejected at point of delivery.
- 7. Installation, Maintenance and Repair of Pipeline Facilities.
 - a. Describe the Company’s current and past procedures for i) installation, ii) maintenance and iii) repair of Pipeline Facilities located in the waters and under sediments of Newtown Creek.
 - b. Provide a copy of Company manuals addressing current and past procedures for i) installation, ii) maintenance and iii) repair of Pipeline Facilities located in the waters and under sediments of Newtown Creek.

8. Permits for Pipeline Facilities. Identify all permits obtained by the Company for installation, maintenance and repair of the Pipeline Facilities and provide copies of such permits and applications for permits.
9. Identify all spills and leaks from Pipeline Facilities during the period of the Company's ownership or operation.
10. Spills and Leaks Protection and Cathodic Protection. Identify for all Pipeline Facilities:
 - i. spill and leak prevention devices; ii) spill and leak detection devices, and iii.) cathodic protection devices. Identify, by date or time periods, when such devices were first installed and when major upgrades or changes were implemented.
 - iv. provide copies of all reports produced by or for the Company relating to spill and leak protection or detection and cathodic protection.
11. Civil Litigation, Administrative Enforcement and Criminal Matters:
 - a. Has the Company (see Definition 8) been a party to any litigation, claim or settlement, whether as plaintiff or defendant, where an allegation included liability for contamination of Newtown Creek or its uplands, relating to any spill or release of a hazardous substance, hazardous waste or industrial waste (including petroleum) (see Definitions 3, 4 and 5), from any Pipeline Facility or from any Other Newtown Creek Facility or any other facility (whether or not owned or operated by the Company) located within 1,000 feet of Newtown Creek? If yes, identify such litigation, claim or settlement and its disposition, briefly describe the nature of the Company's involvement in the matter and provide a copy of the pleadings, claim, settlement agreement and any final order.
 - b. Has the Company been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination with respect to Newtown Creek or from or at any Pipeline Facility or any Other Newtown Creek Facility or any other facility (whether or not owned or operated by the Company) located within 1,000 feet of Newtown Creek? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.
 - c. Has the Company or an employee, affiliate, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at or from any Pipeline Facility? If so, describe the disposition of such accusation and provide details on such accusation.
12. Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:

- a. Describe all activities that were conducted by the Company over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, hazardous waste, industrial waste, petroleum or other waste materials, whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek and whether such activities related to Pipeline Facilities or Other Newtown Creek Properties.
- b. Has the Company, at any time, constructed or operated any facility, other than Pipeline Facilities, in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes, wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities?
- c. If the answer to subparagraph “b” of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company’s authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant deeds, leases, licenses and permits.
- d. Has the Company utilized vessels in any operations on Newtown Creek and, if so, provide details.

13. Identify each Other Newtown Creek Property (see Definition number 9.b for “Other Newtown Creek Property”), including:
- a. Nature of the Company’s interest in each Other Newtown Creek Property;
 - b. Address, Borough, Block and Tax Lot Identification;
 - c. If title to the real property located at 30-21 Greenpoint Avenue, Long Island City, New York 11101 (Borough of Queens, Block 294 Lot 280) is owned by Buckeye Pipe Line Company, then please identify the relationship between the Company and Buckeye Pipeline Company.
 - d. Map or schematic locating each Other Newtown Creek Property;
 - e. Dates of acquisition and date of disposition of interest and identity of transferor and transferee (and if not the owner, identify the Company’s interest in each Other Newtown Creek Property and the identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);
 - f. The principal business and each other line of business conducted by the Company at each Other Newtown Creek Property; and
 - g. Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, easements, etc.).
 - h. Provide a copy of all surveys and drawings of each Other Newtown Creek Property which are in your possession showing current configurations and improvements as well as previous configurations and improvements, and

depicting:

- i. sanitary sewer system, showing location and configuration both as currently configured and previous configurations;
 - ii. storm water sewer system showing location and configuration both as currently configured and previous configurations;
 - iii. all below-ground structures both as presently configured and as previously configured;
 - iv. all above-ground structures both as presently configured and as previously configured;
 - i. Provide a copy of all reports, information and data available to the Company and related to:
 - i. groundwater wells, including drilling logs;
 - ii. all other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith;
 - iii. soil and water (ground and surface) quality and geology/hydrogeology at and about each Other Newtown Creek Property; and
 - iv. storm water, sheet flow, or surface water runoff drainage studies.
14. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on each Other Newtown Creek Property.
15. Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from each Other Newtown Creek Property:
- a. the location and nature of each sanitary or storm sewer line, drain, or ditch;
 - b. the date of construction of each sanitary or storm sewer line, drain, or ditch;
 - c. whether each sanitary or storm sewer line, drain, or ditch drained any hazardous substance, hazardous waste or industrial waste to Newtown Creek; and
 - d. provide a copy of all documentation available to the Company's regarding any and all outfalls to Newtown Creek which are located within the boundaries of each Other Newtown Creek Property.
16. Connections to New York City sewer system:
- a. State whether each Other Newtown Creek Property is connected to the New York City sewer and the date that each Other Newtown Creek Property was first connected;
 - b. State whether each Other Newtown Creek Property has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;

- c. State whether each Other Newtown Creek Property participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, and whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;
- d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;
- e. Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;
- f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;
- g. Copies of any Baseline Monitoring Reports submitted to New York City in connection with the Company's application for an industrial wastewater discharge permit;
- h. Copies of all surveys, reports or analyses delineating or characterizing the Company's liquid wastes;
- i. Copies of all periodic monitoring reports for wastes discharged through the sewer system; and
- j. Copies of all invoices from New York City or the New York City Water Board for water and/or wastewater charges including any wastewater allowances.

17. Has the Company ever stored or combusted coal at any of the Other Newtown Creek Properties? If your answer is yes, please identify the property and respond to the following requests for information for all periods of time that the Company operated at or owned each Other Newtown Creek Property:

- a. Identify the purposes for such coal storage or combustion, including if used in energy production and the processes in which the energy was used at each Other Newtown Creek Property;
- b. State the means by which the shipments of coal were delivered to each Other Newtown Creek Property, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at each Other Newtown Creek Property and transported to storage facilities;
- c. Identify the volume of coal received at each Other Newtown Creek Property, the type or types of coal (i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes over time;
- d. Describe the means of storage of coal at each Other Newtown Creek Property, including whether each Other Newtown Creek Property employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe

the means of transport of the coal from the storage facilities to the combustion point;

- e. Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at each Other Newtown Creek Property, whether as fill or for any other purpose, or if it was in any other manner disposed of at each Other Newtown Creek Property and, if so, describe the circumstances and identify the areas of disposal on a Facility map;
- f. State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and
- g. State whether there were any permits associated with the coal receipt, storage or consumption or ash management and, if so, provide a copy of such permits.

18. Metals and PCBs at Other Newtown Creek Facilities.

- a. For Metals and Metal Compounds. Identify all metals and metal compounds previously or currently used or otherwise present at each Other Newtown Creek Property; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at each Other Newtown Creek Property. Identify all spills, emissions, discharges and releases of any such substances at or from each Other Newtown Creek Property since the time that your Company owned or operated each Other Newtown Creek Property. Please provide any MSDSs for each such substance.
- b. For polychlorinated biphenyls ("PCBs"): identify any PCBs previously or currently used or otherwise present at each Other Newtown Creek Property, including, but not limited to (i) PCBs in plasticizers, fire retardants, paints, waterproofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts; identify the purpose for each of them, any PCB testing done on such materials, and the method and location of use, storage and other handling of PCBs at each Other Newtown Creek Property; and identify all spills, emissions, discharges and releases of any PCBs at or from each Other Newtown Creek Property since the time that your Company has owned each Other Newtown Creek Property. Please provide any MSDSs for PCBs at each Other Newtown Creek Property.

19. Identify all pipelines and pipeline infrastructure serving or located on each Other Newtown Creek Property during the Company's ownership or operation. For each pipeline, please:

- a. identify the owner and the operator of the pipeline and pipeline infrastructure relating to each Other Newtown Creek Property.

- b. provide a copy of all permits maintained by the Company relating to the pipeline and pipeline infrastructure on each Other Newtown Creek Property and the date of installation;
 - c. provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.
20. Oil-Water Separators. Identify all oil/water separators operated by the Company that discharge directly or indirectly to Newtown Creek including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, and location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.
21. Environmental Investigations Relating to Public Offering and to Acquisition of General Partner. Were any i) environmental investigations undertaken; ii) environmental disclosures provided or iii) environmental indemnities extended:
- a. at the time of or in connection with the public offering of the limited partnership interests in Buckeye Partners, LP in or around May 1993; or
 - b. at the time of or in connection with the sale of Buckeye Management Company to managers of Buckeye Partners LP in or around March 1996.
- If the answer is yes, please provide copies of all environmental investigation reports, environmental disclosures and environmental indemnities.

Section 3.0 Regulatory Information

22. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation of the Pipeline Facilities and each Other Newtown Creek Property, the activity regulated and the applicable federal, state and local statute or regulation from which such regulation was derived.
23. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Pipeline Facilities and Other Newtown Creek Property related to environmental concerns. Provide copies of all documents associated with each occurrence described.
24. Provide a list of all local, state and federal environmental permits which have been applied for or issued to the Company with respect to the Pipeline Facilities and each Other Newtown Creek Property for any media, e.g., water (including State Pollutant Discharge Elimination System and National Pollutant Discharge Elimination System, New York City sewer, Industrial Pretreatment Program or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable

waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, etc. under any environmental statute or regulation. Provide a copy of each federal or state permit and the applications for each permit.

25. Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to or made a report to the New York State Department of Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving each Other Newtown Creek Property or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and New York State Department of Environmental Conservation, New York City Department of Environmental Protection, New York State Department of Health, New York City Department of Health and Mental Hygiene, or any other state or city agency.

Section 4.0 Facility Releases, Investigations and Remediation

26. Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants, or contaminants, industrial waste or petroleum that have occurred at or from each Other Newtown Creek Property. In addition, identify and provide copies of any documents regarding:
- a. the date of each releases;
 - b. how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and were addressed or treated;
 - c. the identity of the material released and the amount of each released;
 - d. where such releases occurred; and
 - e. activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release.
27. Has any contaminated soil ever been excavated or removed from any Other Newtown Creek Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. Identification by address of the property;
 - b. reason for soil excavation;
 - c. location of excavation presented on a map or aerial photograph;
 - d. manner and place of disposal and/or storage of excavated soil;
 - e. dates of soil excavation and amount of soil excavated;
 - f. all reports and analyses of the soil that was removed from each Other Newtown Creek Property; and

- g. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area.
- 28. Have you treated, pumped, or taken any kind of response action on groundwater under any Other Newtown Creek Property? If your answer is “yes”, identify and provide copies of any documents regarding:
 - a. Identification by address of the property
 - b. the reason for groundwater action;
 - c. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;
 - d. all reports and analyses of the groundwater action; and
 - e. if the groundwater action has been completed, the basis for ending the groundwater action.
- 29. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If your answer is “yes”, identify and provide copies of any documents regarding:
 - a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
 - b. the dates of each such occurrence;
 - c. the amount and location of such release;
 - d. whether sheens were created on Newtown Creek by the release; and
 - e. whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.
- 30. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality relating to any of the Pipeline Facilities or Other Newtown Creek Property. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.
- 31. Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking with respect to any of the Pipeline Facilities or Other Newtown Creek Property, either voluntarily or as required by litigation or any other party or state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant

to which such response actions were undertaken as well as all reports of investigations or cleanup activities on each Other Newtown Creek Property.

32. Provide a copy of all environmental investigation reports of each Pipeline Facility and Other Newtown Creek Property including investigations undertaken at the times of acquisition and transfers of each Other Newtown Creek Property by the Company.

Section 5.0 Compliance with this Request and Financial Information

33. Persons and Source Materials Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all source materials that the Company reviewed in responding to this request, including, but not limited to:
 - a. the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and
 - b. a description and the location of where all source materials reviewed are currently located, and the questions to which such source materials relate.
34. Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.
35. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.
36. Insurance and Indemnification:
 - a. Provide a schedule of liability insurance policies that provided environmental liability coverage for the Company with respect to the Pipeline Facilities and Other Newtown Creek Property;
 - b. Has the Company made claims under any policy in connection with environmental liability? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;
 - c. Identify each entity that may have a duty to indemnify the Company for any potential environmental liability in connection with the Pipeline Facilities and Other Newtown Creek Property; identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and

- d. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with each Other Newtown Creek Property or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify by the Company.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
NEWTOWN CREEK SUPERFUND SITE

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

COMPANY NAME

SIGNATURE

Sworn to before me this ____ day of ____, 2012

Notary Public

My commission expires: _____

[STAMP OR SEAL]